3-7184

SINGLE BENCH (3)

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4260 /2006

PETITIONER

Dayal @ Dallu, S/o. Shobhnath, Aged about 50 years, R/o. Rajbandha Talab, Raipur, Tahsil & District Raipur (C.G).

P.R. No. 3430/06
Presented by Shri Ashok Soni
dated 7/12/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Urban Administration, Mantralay, D.K.S. Bhawan, Raipur.

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CLERK to A. G.
7/12/06

2. Municipal Corporation, Raipur, Through Commissioner / Zone Executive Officer.

3. The Collector, Raipur.

4. The Authorised Officer, Under Act 15 of 1984, Through Collector, Raipur.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(27)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.4260/ **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	14-8-2006 Mr. Ashok Soni, counsel for the petitioner. Mr. N.K. Agrawal, Deputy Advocate General for the State/respondents No.1 & 3. Heard both the counsel. Main grievance of the petitioner raised in this writ petition under Article 226/227 of the Constitution of India is that the petitioner was allotted a plot on 30 years' lease under Annexure P-2 bearing plot No.102, Hospital Ward No.15, Rajabandha Talab, Raipur admeasuring 21 sq. mtrs. and since then the petitioner is in possession of that plot. Now, respondent No.2 has given notice Annexure P-1 to the petitioner for vacating the said plot on the ground that the same is required for widening of the road and alternative arrangement has been made in Kabir Nagar, Heerapur. Other persons namely, Lalla Khan and another, who were also allotted plot under the same scheme, filed W.P. No.2515/2005 and with the consent of the parties, order was passed in the said writ petition by this Court that after giving opportunity of hearing to the petitioners, the Corporation to take decision. Learned counsel for the petitioner submits that the petitioner was allotted the plot being a landless poor person and now respondent No.2 wants to throw him from the said plot with following the due process of law. He further submits that therefore, as the present petitioner is similar situated person and he is also on the same footing as that of Lalla Khan, therefore, similar order as has been passed in W.P.No.2515/2005 may be passed so that all the cases will be decided together.	

P.T.O.

XI-HC-78

(28)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4260/ **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	The prayer made by learned counsel for the petitioner is just, fair and reasonable. Therefore, respondent No.2 is directed to decide the case of the petitioner after affording him proper opportunity of hearing. As the cases of similarly situated persons are pending before respondent No.2, therefore, after affording opportunity to the present petitioner also, respondent No.2 shall decide the case of the petitioner, in accordance with law. Till the opportunity of hearing is afforded to the petitioner, he should not be dispossessed from the house/plot in question until the final order is passed by respondent No.2. With the directions aforesaid, the petition stands disposed of. Consequently, M.(W.)P.No.3303/2006 stands disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

P.T.O.

22.8.06